



SECOND JUDICIAL DISTRICT COURT

Plan for Resuming Jury Trials during the COVID-19 Pandemic

November 2, 2020

Table of Contents

Introduction	3
Jury	3
Courtroom Set Up	7
Counsel	8
Cleaning Protocols	8
Social Distance Requirements	8
Trial Schedule	9
Witnesses	9
Bench Conferences	9
Defendants/Counsel/Investigator Communication	9
Evidence	9
Public Access	10
General Personal Protective Equipment, Safety, and Cleaning Measures During Trial	11
Juror Tracing Protocol	12
Appendix I: Supplemental Letter to Prospective Jurors	18
Appendix II: Supplemental Questionnaire to Prospective Jurors	20
Appendix III: Post Jury Service Questionnaire	22
Appendix IV: Prospective Juror Questionnaire	25

INTRODUCTION

The Second Judicial District Court (the Court) presents the following protocols for resuming jury trials. Criminal jury trials resumed on September 21, 2020. As detailed in issued Administrative Orders, the Court has resumed jury trials with priority to in-custody defendants who have invoked their speedy trial rights. Trials resumed by way of “Trial Flights,” meaning several trials will be set to start on the same date. An Administrative Order will rank the priority of cases listed in a flight based on predetermined criteria. The Court will hold only one jury trial at a time until more can safely be conducted simultaneously.

This plan is designed to be constantly re-assessed, revised, and updated with input from participants in the trial process and the Standing Jury Trial Working Group. This plan provides a robust framework to conduct jury trials during the COVID-19 pandemic.

COVID-19 presents many challenges to resuming jury trials. During this time, it is paramount the Court take all reasonable measures to maintain public trust and confidence in the judicial system while ensuring the rights of those in the criminal and civil justice system are upheld. The Court has adopted several criteria recommended by the Washoe County Health District and the Center for Disease Control and Prevention (CDC), including social distancing and face coverings.

JURY

PROSPECTIVE JUROR PRE-SCREENING

The Jury Commissioner will send out summonses approximately three weeks before the scheduled trial date. To assuage COVID-19 related concerns, each prospective juror will receive a letter with the summons explaining the precautionary measures the Court has implemented. Information for prospective jurors regarding safety measures in place and contact numbers are prominently posted on the Court’s website.

Jury questionnaire responses, both the traditional court questionnaire and the supplemental questionnaire, will be provided to counsel approximately 1 week before trial starts. The Jury Commissioner will create a OneDrive folder under her OneDrive account. The Jury Commissioner will create subfolders by case numbers for each trial. The Jury Commissioner will upload the jury questionnaires into the OneDrive subfolder in alphabetical order, in black and white to reduce the size of the file. The Jury Commissioner will invite counsel, the courtroom clerk, law clerk, judicial assistant, and the judge via email to see the case number subfolder. Only the specific email recipient can open the request to access the folder. A forwarded email will not allow access to another person. The subfolder will be view only; editing will not be allowed. At the conclusion of trial, the Jury Commissioner will revoke the access permissions to the subfolder.

It is recommended the trial judge conduct hearing(s) the week before trial to address any jury questionnaire responses indicating a prospective juror may be excused for cause (clear bias issues, etc.) or service may be postponed (or not) due to responses from questions regarding COVID-19. Prospective jurors who are excused or postponed will be contacted and instructed not to report for jury duty. Statistics of requests and grants of

temporary excusals due to COVID-19 or other factors will be tracked by the Jury Commissioner for the Court's internal evaluation of continued effective jury management.

It is also recommended that the trial judge determine the jury venire at the conclusion of the above hearings. The trial judge will then direct the Jury Commissioner to provide the Court Clerk with a slip of paper with each of the person's names who now makeup the venire for the trial. On the record, with counsel and the defendant present, the Court Clerk calls the names of each person from the slip while putting the slip into the random selection device in the courtroom. Afterwards, the number of names of the jurors who will be initially qualified for cause will be drawn. In that manner, the court staff will be able to direct the prospective jurors to their proper place when they arrive for service the next day. If any of the originally designated potential jurors to be qualified for cause do not report as directed, if the attorneys stipulate, the Court will direct the Court Clerk to draw the names of additional person(s) to file the vacant spot(s) in numeric order.

PROSPECTIVE JURORS REPORTING TO COURT

Jurors are instructed to call-in to an automated voice message beginning at 6:00 p.m. the Friday prior to the assigned reporting date. Jurors are advised that all a face covering must be worn at all times and that they will undergo a medical screening and temperature check prior to entering the court. Additionally, jurors exhibiting any symptoms will be instructed not to report on their assigned reporting day and will be postponed to a date in the future. Jurors are instructed to call 775-328-3152 if they or anyone in their household is experiencing any symptoms of COVID-19.

Prospective jurors will report to Court on the day trial starts. Prospective jurors will be instructed to appear in groups of approximately 40 every 45 minutes. Prospective jurors will remain 6 feet apart and must wear a face covering, fully covering the nose and mouth. The Court will have a clean disposable mask available to prospective jurors each day upon arrival. Prospective jurors who would like a shield will be provided a shield by the Court. The shield may be reused by the same juror every day. Jurors must wear a clean face covering each day.

Jurors who object to wearing the Court issued disposable mask may wear their own so long as they do not have any political statements on them. The face covering must also adhere to the CDC guidelines including full coverage of the nose and mouth. Gaitors or masks with exhalation valves are not permitted. Jurors who refuse to wear an appropriate face covering must report to their vehicle to wait for further instruction from the trial judge.

Prospective jurors will be pre-screened at the steps of the courthouse regarding potential exposure to COVID-19, symptomology, and recent travel. A sign with the screening questions will be displayed prominently on the sidewalk at the courthouse entrance. A Court employee will stand next to the sign and ask each prospective juror

if any of their responses to the questions are “yes.” Any prospective juror who responds with a “yes” answer to the screening questions, except for travel, will be instructed to return to their vehicle to wait for a call. If a prospective juror answers “yes” to questions regarding travel, the Court employee will ask follow-up questions to assess possible exposure to COVID-19, such as whether any person with whom they traveled tested positive for COVID-19 or had symptoms of COVID-19 within the past 14 days. If the Court employee has any concerns the prospective juror potentially has COVID-19 or has been directly exposed to COVID-19, the prospective juror will be asked to provide their mobile phone number and return to their car to wait for a call. Otherwise, the prospective juror will be allowed to proceed to the Court Security Officer (CSO) screening station inside the courthouse.

Upon entry to the courthouse, the CSO will temperature screen the prospective juror for a fever. Any prospective juror who exhibits a temperature of 100.4 or higher will be asked to provide their mobile phone number and return to their car to wait for a call.

If a prospective juror exhibits any symptoms related to COVID-19, a Court employee will give the prospective juror a paper with instructions excusing them from the trial.

Upon passing the pre-screen, prospective jurors will proceed directly to the Filing Office. At the Filing Office, prospective jurors will check in with the Jury Commissioner at the check-in counter. Prospective jurors will maintain social distancing of at least six feet and continue to wear face coverings while staging in the Filing Office and other designated areas of the Court. The Washoe County Sheriff Office bailiffs will escort the prospective jurors to their preassigned location in the trial courtroom. No more than two persons will be allowed in the elevator at a time. An additional overflow area for prospective jurors is the other courtrooms on the trial courtroom floor or the Filing Office.

VOIR DIRE AND JURY EMPANELING

Voir dire will take place in the trial courtroom, with additional jurors located in other courtrooms on the trial courtroom floor or the Filing Office.

Six (6) feet of spacing between all prospective jurors in all locations where there is no plexiglass will be maintained. Prospective jurors seated in the jury box will be separated by plexiglass.

Prospective jurors in locations other than the trial courtroom will view the proceedings via audio-visual communication streamed to the television monitors in those respective locations. Each courtroom and the Filing Office will be staffed with at least one bailiff.

Prospective jurors must wear masks at all times except a prospective juror may, at the discretion of the trial judge, lower the mask to answer a question. Prospective jurors who request a shield may wear a shield, in addition to the mask.

When a prospective juror arrives in the trial courtroom, the bailiff will direct the juror to the proper seat which matches the juror’s number on the seating chart prepared by the

Courtroom Clerk. The bailiffs in other locations check the juror panel list as the juror arrives and makes a notation of the juror's room location. Prior to roll call, the lists will be provided to the Courtroom Clerk.

The Courtroom Clerk will call roll off of the three lists discussed above, one room at a time. Counsel may observe the make-up of the prospective jurors who are sitting in the other locations via audio-visual communication during roll call. Any prospective jurors who were pre-selected to be in the first group in the trial courtroom who are not present will be replaced by drawing names as usual. The new prospective jurors will be escorted from overflow areas into the trial courtroom. The Court will direct the Courtroom Clerk to swear the trial courtroom panel of prospective jurors to start once the panel is full in the trial courtroom. (Only the panel physically located in the trial courtroom is sworn at this time. Other prospective jurors are sworn as they replace excused prospective jurors when they arrive in the trial courtroom).

If a prospective juror is removed from the panel and must be replaced by another prospective juror who is physically located in another location, a bailiff will escort the replacement prospective juror into the trial courtroom to be seated in the vacant seat. The Court will direct the Courtroom Clerk to swear the prospective juror.

Once the prospective jurors who are located in the trial courtroom are qualified for cause, they will be moved to a vacant courtroom on the same floor as the trial courtroom, so the attorneys may exercise their peremptory challenges outside the prospective jurors' presence.

EMPANELED JURY

Jurors will be instructed to provide their own food throughout the trial. However, packaged snacks and bottled water will be provided to the empaneled jury by the bailiffs as supplied by the Jury Commissioner's Office. Jurors will not have access to the refrigerator, microwave, or coffee pot. Jurors will be given access to courtrooms on the same floor as the trial courtroom for breaks. They will be required to maintain 6 feet of social distancing throughout the trial. Bins will be provided for each juror to secure their personal belongings throughout the trial and deliberation process.

The restrooms will be available to jurors one at a time. Jurors are required to wear masks while in the restroom. Restrooms available to the jurors include the hall restrooms on the trial courtroom floor and jury room restrooms on the trial courtroom floor, except the jury room adjacent to the trial courtroom. Only one person at a time may enter any of the restrooms, even those with multiple stalls.

No public (including attorneys and staff involved in the case) or employee may use the hall restrooms, they are exclusively reserved for the jury. The restrooms adjacent to the trial courtroom (traditional jury room) are available for court staff associated with the trial only.

Jurors will be asked the COVID health screening questions each day of trial. Any juror

who responds with a “yes” answer to the screening questions, except for travel, will be instructed to return to their vehicle to wait for a call. If a juror answers “yes” to questions regarding travel, the Court employee will ask follow-up questions to assess possible exposure to COVID-19, such as whether any person with whom they traveled tested positive for COVID-19 or had symptoms of COVID-19 within the past 14 days. The Court employee will immediately notify the trial judge. The trial judge will decide how best to proceed. It is recommended that the trial judge immediately hold a hearing on the record outside the presence of the jury. Once counsel mutually agree to excuse that juror, the Judge’s designee will call the juror and release him/her.

Should a juror be secondarily or tertiarily exposed to someone exhibiting symptoms, the trial will continue unless a positive COVID-19 test is reported.

BREAKS

Jurors will be escorted by at least one bailiff to another courtroom on the trial courtroom floor for breaks where jurors must wear masks unless eating or drinking and must remain 6 feet apart. However, jurors may walk about in the hallway and both courtrooms. The back door may be opened to provide outside air. However, no juror or alternate will be allowed to leave the trial floor until they are excused for the day. While the Court is on a break, no one else may remain on the trial floor or in the trial courtroom. The public, attorneys and parties must leave the floor.

DELIBERATIONS

The Judge will give specific instructions that the jury must socially distance and wear masks while deliberating.

The jury will not have access to the internet, and therefore will not have access to OneDrive. The Court Clerk will download all of the admitted exhibits to an external USB hard drive the jury will use to view the admitted exhibits.

The jury will deliberate in the Filing Office. If it is not possible to provide each juror with an iPad or laptop, a single laptop will be provided. This laptop will connect to a large television screen viewable by the entire jury. Gloves and sanitary wipes will be provided to the jury to sanitize the laptop if manipulated by more than one juror. Any video cameras in the Filing Office will be covered during jury deliberations.

If jurors need technical assistance accessing specific evidence (video file, lack of technical expertise, etc.), the jury must request the assistance in writing. The trial judge will have a hearing before giving direction to the jury or allowing the Court Clerk or bailiff to provide assistance.

If, the jury will be making additional findings after the initial verdict (penalty, bifurcated issues, etc.), the alternates should be held (separately – with separately sworn officers) to continue in the second part if necessary.

At the conclusion of jury service, a survey will be provided to jurors, alternate jurors, and

prospective jurors to assist the Court in conducting jury trials during the COVID-19 pandemic.

COURTROOM SET UP

The trial courtroom will be fully equipped with plexiglass dividers. Plexiglass will be placed to shield each individual who is in front of the courtroom bar. Those in the audience will practice social distancing of at least 6 feet. This will be enforced by the bailiff.

Microphones will be used while in the courtroom. Separate devices will be provided to communicate between counsel and defendant, and between counsel and the judge when needed for side bars outside the jury's presence. Counsel should be reminded to turn off their microphones when not speaking to avoid background noise for those observing via Zoom. The Court Clerk will replace batteries daily and secure assistance when necessary to be sure all equipment is working properly.

In order to maximize air circulation, both sets of courtroom doors will remain open at all times. A bailiff will need to remain in the hall to ensure that no one is walking/talking out in the hallway when the doors to the courtroom are open. Doors to the courtrooms will be closed for brief times when necessary to transport in custody defendant(s) outside jurors' presence.

A minimum of two HEPA air purifiers will be in each courtroom. For the trial courtroom, one air purifier will be between the judge and the witness stand. A second air purifier will be in the gallery.

COUNSEL

Counsel must remain seated at all times except during voir dire, opening statements and closing. During those times, counsel may stand and face the jury on the spot identified on the floor which must be at least 10 feet from the jury and 6 feet away from any other person in the courtroom, behind plexiglass wrapped podium.

Counsel must wear a mask, fully covering the nose and mouth, unless speaking. Counsel may lower the mask to speak, then must recover the nose and mouth.

If an attorney tests positive for COVID-19 during the trial, the attorney will not be permitted to participate in person and co-counsel will complete the trial. Other exposure issues of counsel during the trial will be resolved by the presiding judge of the trial. It is recommended the trial judge follow the same protocol as outlined for empaneled jurors above.

CLEANING PROTOCOLS

A porter shall sanitize the publicly used spaces frequently throughout each day of the trial and at the end of each day. Publicly used spaces include all bathrooms, elevator call buttons, elevator controls and rails, stairwell handrails, door handles, jury box area (including seats and railings). The porter shall also sanitize the presiding judge's bench, microphone and plexiglass divider at the end of each day.

The bailiff will sanitize the witness box after each witness. Counsel and court employees will sanitize their own courtroom spaces and microphones during breaks and after each day.

SOCIAL DISTANCING REQUIREMENTS

Except for the jury and counsel, who will each be divided by plexiglass, everyone must remain 6-feet apart at all times.

The courthouse floor on which the trial is held will be dedicated to the jury trial. Court personnel who are not involved in the jury trial are not permitted to utilize this space during the jury trial.

TRIAL SCHEDULE

The recommended trial schedule will be Monday through Friday on a schedule of two hours on, followed by a thirty-minute break, repeating for three two-hour sessions for the jury per day. There will not be a lunch break. The jury will be excused for the day after the third two-hour session. Counsel may need to return after the last thirty-minute break. This schedule allows for limited time in the courthouse for jurors and air circulation at the end of the day until the next day, and avoids jurors leaving the fourth floor. If necessary, trial may be conducted on Saturday. Successive trials in the Trial Flight will commence in accordance with Administrative Orders.

The trial judge will explain the proceedings may be viewed online or from the overflow Jury Assembly Room to allow social distancing in the trial courtroom. The trial judge will also address why unmasking is allowed by some participants at certain times in order to avoid the perception that those who are permitted not to wear masks for short periods are disrespecting the health of others.

WITNESSES

Witnesses will stage, while wearing masks and remaining 6 feet apart, on another floor to be determined before trial begins. When called, witnesses will be escorted by a bailiff to the trial courtroom. No one is allowed on the trial floor except when inside the trial courtroom.

BENCH CONFERENCES

To accommodate sidebars, two-way radio communication headsets will be utilized. Counsel, Judge, Court Reporter and Courtroom Clerk will all have a headset for bench conferences.

DEFENDANTS/COUNSEL/INVESTIGATOR COMMUNICATION

Defense counsel will communicate with the defendant utilizing two-way radio communication headsets or passing notes if counsel prefers, or both. State's counsel will communicate with their investigators via text and/or email.

EVIDENCE

DIGITAL EVIDENCE

Attorneys will provide their digital evidence and exhibit list to the Courtroom Clerk via email or Microsoft OneDrive well in advance of trial at a time determined by the presiding Judge and codified in a Scheduling Order. Exhibit Marking will take place the Monday before trial via Zoom. All digital exhibits and the Exhibit List will be shared with relevant parties via a secure folder in OneDrive. Once shared, the Courtroom Clerk will be the only party with the ability to edit the folder or its contents.

Evidence that may not be electronically transmitted may need to be placed on an external USB hard drive and tagged, as will all physical evidence.

Digital evidence will be displayed through a computer cart. Counsel will have laptops at their tables connected to the computer cart. The Courtroom Clerk will toggle control of the display, thus minimizing touching of common surfaces. The Courtroom Clerk will control the computer cart.

Counsel will display exhibits directly from OneDrive when in trial or via a thumb drive with evidence to which counsel has stipulated and has been approved by the Judge. Should counsel need to build foundation of an exhibit without the jury seeing it, counsel will request the bailiff turn off the courtroom monitors. (This will not include witness stand, judge, or counsel display). Once foundation is established and permission is granted to publish, counsel will ask the bailiff to turn on the courtroom monitors.

At the conclusion of trial, the Court Clerk will download the admitted digital exhibits to an external USB hard drive, label it, process it per normal operation procedures. After the jury has reached a verdict, the Courtroom Clerk will provide it to the evidence clerk for storage.

Each department must host the OneDrive folder. This task cannot be delegated to counsel.

PHYSICAL EVIDENCE

Physical evidence will be treated pursuant to normal operation procedures. To the greatest extent possible, physical evidence must be placed in a sealed plastic bag and must remain there.

The sealed plastic bag in which the physical evidence is located must be wiped before and after different persons touch it.

If the actual physical evidence must be touched without a sealed plastic bag, it must be sanitized before and after different persons touch it, unless where DNA or other biological evidence may be present and compromised. For example, if a firearm is to be removed from an evidence bag and manipulated and contains biological material intended as evidence, it cannot be sanitized as that may destroy the biological material. The Court should consider the specifics of each case and determine whether sanitization is appropriate to decrease transmittal of COVID-19. Alternatively, those evidence items

may remain in protective packaging for display and only the display packaging will be sanitized.

Further, rubber gloves should be used when touching the evidence by clerk, witness, attorney, or bailiff during trial or by juror during deliberations. The Court Clerk will work with the bailiff to be sure gloves are available to these persons.

PUBLIC ACCESS

The public may observe the trial proceedings from the Jury Assembly Room via audio-visual means or via Zoom using a link and/or information provided on the Court's website, or the trial courtroom, if space is available, while still maintain social distancing. Public viewing options may be altered or limited based on case-specific factors.

During voir dire when space is very limited in the trial courtroom, if requested and possible, two spaces will be reserved for persons attending for the Defendant. Two spaces will be reserved for the media, one of whom may be the camera person. The bailiff will direct persons to the correct location. Space will also be allowed for an additional bailiff if the Defendant is in custody. The trial judge is encouraged to consider allowing the District Attorney or Defendant's investigator or juror consultant to sit at counsel table if requested, only during voir dire.

GENERAL PERSONAL PROTECTIVE EQUIPMENT, SAFETY, AND CLEANING MEASURES DURING TRIAL

Signage is posted at the entrance and elevators to encourage social distancing and limitations on the number of people in the elevator at one time. Court security personnel will also instruct jurors and members of the public upon entry to the building. Court security personnel will assist deputies with ensuring social distancing during jury selection.

Social distancing markers are placed inside the courthouse and in high-traffic areas. These markers may indicate one-way travel paths for jurors to minimize face-to-face contact and six-foot markers at the entrance of restrooms and stairwells.

Hand sanitizer stations are located throughout the building, including upon entry to the courthouse, in the hallways, in the Filing Office, and at the elevators. Hand sanitizer is also available to jurors within the courtroom.

Masks are required at all times, fully covering the nose and mouth, except when allowed to be lowered at the direction of the trial judge.

Counsel will be required to remain seated at their counsel table during direct and cross-examination. Counsel may only approach the podium located in the center of the well of the courtroom during voir dire, opening statement and closing argument. To allow for social distancing, the court reporter will relocate to the witness stand during those times.

Plexiglass barriers will be installed in the jury box on the sides of each juror and dividing the two rows of jurors. Additionally, plexiglass barriers will be set up at the

witness stand, each counsel table, the bench, court reporter, and the Court Clerk station. The gallery will be open to persons attending for the defendant, members of the public, and the media. The bailiff will be responsible for enforcing social distancing and mask wearing within the gallery. Additional viewing spaces will be set up in the overflow Jury Assembly Room should the gallery be full. The trial will be streamed in real-time.

When a prospective juror is excused, his or her chair will be wiped down by the next prospective juror before the replacement juror takes that seat.

Common surfaces will be disinfected by the porter at each break.

The bailiff will sanitize the witness microphone and table after each witness. Witnesses will sanitize their hands upon entering and exiting the witness stand.

Throughout trial, the HVAC system will be kept running for longer than normal business hours to increase ventilation. The court utilizes MERV-11 air filters in the HVAC system, as recommended by the Washoe County Health District. Additionally, air purifiers with HEPA filters will be placed in all locations where people congregate.

Bottled water will be provided in lieu of cups. Any snacks, lunch or dinner provided will be individually packaged.

JUROR TRACING PROTOCOL

The District Court's priority remains the health and safety of all jurors, employees and members of the public. Jurors, or a member of their household, who are experiencing COVID-19 symptoms or have received a positive COVID-19 test, are required to remain home and contact the Court for further instructions.

PROSPECTIVE JURORS PROCEDURE

Prospective jurors entering the Court will be pre-screened upon entry to include a temperature check and screening questions on potential exposure to COVID-19, symptomology, and recent travel. Any prospective juror who responds with a "yes" answer to the screening questions, except as to the question regarding recent travel, or who exhibits a temperature of 100.4 or higher will be asked to provide their mobile phone number and to return to their vehicle to wait for further instructions.

When a prospective juror is experiencing symptoms or has a current positive COVID-19 test upon reporting to jury service the below procedures must be followed:

- Employee:
 - If an employee receives notification that a prospective juror ***is experiencing COVID-19 symptoms or has tested positive for COVID-19:***
 - Instruct the juror to wait at home or to leave if present at the courthouse
 - Obtain the juror's name.

- Notify the following:
 - Presiding Judge of the jury trial; and
 - Jury Commissioner's Office.
- Presiding Judge:
 - Conduct a hearing to notify all parties that a prospective juror is experiencing COVID-19 symptoms or has tested positive for COVID-19.
 - The purpose of the hearing is to determine next steps and take appropriate action.
 - If the juror is excused, the Department will notify the Jury Commissioner.
- Jury Commissioner's Office:
 - Notify juror of the Department's decision.

SCRIPT

Thank you for notifying us of your diagnosis/suspected infection. Your health and recovery is important, so please let us know if you have questions or concerns.

We are also concerned for the health and safety of your fellow jurors, our employees, and others you may have come in contact with while in the Court. Therefore, I need to ask you some questions to guide our next steps. Once we have concluded, you will have an opportunity to ask me questions.

To prevent or limit further exposure, the Court will work with the Washoe County Health Department to determine future steps.

1. On what date(s) did you appear for jury service?
DATE(S) _____
2. Did you use or visit any other area of the court besides the jury assembly room, the courtroom(s), the hallways, and the restrooms?
YES NO
3. Have you been in contact with the Washoe County Health Department?
YES NO
4. Do you have any other information that may be helpful?
5. Do you have any questions for me?

You may receive a follow up phone call from Court Administration or the Washoe County Health Department. Your participation in this contract tracing is appreciated. Again, do you have any other questions for us?

END SCRIPT

SWORN JUROR PROCEDURE

On each reporting day, sworn jurors entering the Court will be pre-screened upon entry to include a temperature check and medical screening questions to determine any changes to health since last reporting date. Any sworn juror who responds with a “yes” answer to the screening questions, except as to the question regarding recent travel, or who exhibits a temperature of 100.4 or higher will be asked to provide their mobile phone number and to return to their vehicle to wait for further instructions.

Should a juror be secondarily or tertiarily exposed to a symptomatic juror, the trial will continue unless a positive COVID-19 test is reported.

When a sworn juror is experiencing symptoms or has a current positive COVID-19 test during the trial the below procedures must be followed:

PROCEDURE

- Employee:
 - If an employee receives notification that a sworn juror ***is experiencing COVID-19 symptoms or has tested positive for COVID-19:***
 - Instruct the juror to remain at home or in their vehicle and wait for further instruction.
 - Obtain the juror’s name.
 - Inform the juror they will be contacted by a member of the jury trial Department.
 - Notify the following:
 - Presiding Judge of the jury trial; and
 - Jury Commissioner’s Office.
 - If the sworn juror becomes ill during the trial, the juror shall quarantine in their vehicle while the Presiding Judge is notified.
- Presiding Judge:
 - Sworn jurors will be asked to contact the Department directly if they, or a member of their household, are experiencing COVID-19 symptoms or has tested positive for COVID-19.
 - Depending on the juror’s location, the Department will ask the Juror to remain at home or isolate in their vehicle until further instruction.
 - Conduct a hearing outside the presence of the jury to notify all parties that a sworn juror is experiencing COVID-19 symptoms or has tested positive for COVID-19.
 - The purpose of the hearing is to determine next steps and take appropriate action. In this instance, it is best practice to notify the other sworn jurors of

possible exposure to COVID-19. However, the Presiding Judge may determine whether this notification is appropriate.

- If the juror is excused, the Court will continue so long as there are sufficient alternate jurors.
- Department Staff (including Bailiffs)
 - Confirm which area(s) the sworn Juror visited during the trial.
 - Identify with whom the juror may have come into contact (e.g., other jurors, other bailiffs, court personnel)
 - Provide this information to the Presiding Judge and the Jury Commissioner.
- Jury Commissioner's Office:
 - If the sworn juror contacts the Jury Office directly, the staff will notify the Presiding Judge.
 - Contact Court Administration
 - Determine the approximate length of time and the specific days the juror was in the building.
 - Contact the Washoe County Health Department.
 - For COVID-19 tracing purposes, the Jury Commissioner's Office may provide the names and telephone numbers of the other sworn jurors.
- Court Administration:
 - Notify impacted staff of potential exposure.

SCRIPT

Thank you for notifying us of your diagnosis/suspected infection. Your health and recovery is important, so please let us know if you have questions or concerns.

We are also concerned for the health and safety of your fellow jurors, our employees, and others you may have come into contact with while in the Court. Therefore, I need to ask you some questions to guide our next steps. Once we have concluded, you will have an opportunity to ask me questions.

To prevent or limit further exposure, the Court will work with the Washoe County Health Department to determine future steps.

1. On what date(s) did you appear for jury service?
DATE(S) _____
2. The number of days appeared? _____ days
3. Have you been in contact with the Washoe County Health Department?
YES NO

4. Do you have any other information that may be helpful?
5. Do you have any questions for me?

You will receive a follow up phone call from the Presiding Judge, or his/her staff with further instruction. Court Administration or the Washoe County Health Department may also contact you. Your participation in this contract tracing is appreciated. Again, do you have any other questions for us?

END SCRIPT

AFTER JURY SERVICE NOTIFICATION

The following protocol is to be followed when a former juror is experiencing symptoms or has tested positive for COVID-19 within 14 days from their last day of service.

PROCEDURE

- Employee:
 - If an employee receives notification that an excused juror ***is experiencing COVID-19 symptoms or has tested positive for COVID-19:***
 - Obtain the juror's name.
 - Notify the following:
 - Presiding Judge of the jury trial; and
 - Jury Commissioner's Office.
- Department Staff (including Bailiffs)
 - Confirm which area(s) the sworn Juror visited during the trial.
 - Identify with whom the juror may have come into contact (e.g., other jurors, other bailiffs, court personnel)
 - Provide this information to the Presiding Judge and Jury Commissioner.
 - Notify Counsel.
- Jury Commissioner's Office:
 - Contact Court Administration
 - Determine the approximate length of time and the specific days the juror was in the building.
 - Contact the Washoe County Health Department.
 - For COVID-19 tracing purposes, the Jury Commissioner's Office may provide the names and telephone numbers of the other sworn jurors.
- Court Administration:
 - Notify impacted staff of potential exposure.

SCRIPT

Thank you for notifying us of your diagnosis/suspected infection. Your health and recovery is important, so please let us know if you have questions or concerns.

We are also concerned for the health and safety of your fellow jurors, our employees, and others you may have come into contact with while in the Court. Therefore, I need to ask you some questions to guide our next steps. Once we have concluded, you will have an opportunity to ask us questions.

To prevent or limit further exposure, the Court will work with the Washoe County Health Department to determine future steps.

1. On what date(s) did you appear for jury service?
DATE(S) _____
2. Were you selected to serve as a juror?
YES, number of days appeared _____ NO
3. Have you been in contact with the Washoe County Health Department?
YES NO
4. Do you have any other information that may be helpful?
5. Do you have any questions for me?

You may receive a follow up phone call from the Presiding Judge or his/her staff, Court Administration, or the Washoe County Health Department. Your participation in this contract tracing is appreciated. Again, do you have any other questions for me?

END SCRIPT

Appendix I: Supplemental Letter to Prospective Jurors

SECOND JUDICIAL DISTRICT COURT

STATE OF NEVADA WASHOE
COUNTY

SCOTT N. FREEMAN

75 COURT STREET

CHIEF DISTRICT COURT JUDGE RENO,
NEVADA 89501

DEPARTMENT NINE www.washoecourts.com



(775) 328-3162

FAX: (775)328-3193

You have been randomly selected to serve as a prospective juror in the Second Judicial District Court. Included with this letter, is a summons with a specific reporting date and instructions.

Jury service during the COVID-19 pandemic is something the Court takes very seriously. On behalf of the Second Judicial District Court, I want to assure you that the judiciary has and continues to work diligently to protect the safety and well-being of every person who enters the courthouse. We are closely following and reinforcing CDC guidelines, as well as local and national authorities and have taken precautionary measures to limit the potential spread of the virus, while also ensuring that we can continue with essential judicial proceedings.

Our health practices include:

- Requiring a minimum of 6-foot distancing between people in courtrooms, jury assembly rooms, elevators, and all other areas of the courthouse. Prospective jurors will not be seated next to one another during jury selection.
- Requiring everyone to wear a face covering when in the courthouse. A mask will be provided for anyone who does not have one.
- Frequent and thorough cleaning and disinfecting all areas in the courthouse.
- Readily available hand sanitizer throughout the courthouse.
- Temperature checks and medical screening questions of everyone to ensure someone with symptoms does not enter a court facility.

Attached to this letter are some additional screening questions to prepare for your arrival. These questions ask you to provide personal information. Like the

qualification questionnaire you completed several months ago, these questionnaires will remain confidential and will only be made available to the Court, the parties, and their counsel.

Serving as a juror is both a privilege and an honor. For more than 200 years, we have looked to juries to preserve liberty and the independence of the judiciary. The right to a jury trial is so important that it is included in our constitution. Preserving that right, however, depends on the willingness of citizens like you to serve on juries.

Protecting the health and safety of citizens who ensure our American system of justice works is our highest priority. Thank you for your service.

Sincerely,

A handwritten signature in blue ink, reading "Scott N. Freeman". The signature is written in a cursive, flowing style with a large initial 'S'.

Scott N. Freeman Chief Judge
Second Judicial District Court

Appendix II: Supplemental Questionnaire to Prospective Jurors

SECOND JUDICIAL DISTRICT COURT

**STATE OF NEVADA
WASHOE COUNTY**

**COURT ADMINISTRATOR/CLERK OF
COURT**

Jackie Bryant, Esq. 75 COURT STREET



RENO, NEVADA 89501

ASSISTANT COURT ADMINISTRATOR

Julie Wise, PHR. T: (775) 328-3152

www.washoecourts.com

F: (775) 328-3188

ASSISTANT COURT ADMINISTRATOR

Alicia Lerud, Esq.

ASSISTANT COURT ADMINISTRATOR

Emily Reed, Esq.

SUPPLEMENTAL JURY QUESTIONNAIRE

You have previously completed a qualification questionnaire for jury service. The Second Judicial District Court is committed to assuring your wellbeing and to conduct trials in a safe environment. Please visit www.washoecourts.com for further information on the steps we are taking to ensure everyone's safety.

To further assist the Court, please complete the following questions and return in the envelope provided by September 21, 2020.

This questionnaire has the same level of privacy protection that apply to your initial questionnaire.

1. Within the last 45 days, have you, any immediate family, or anyone who you reside with tested positive for COVID-19? If so, who and when?

YES, date(s) / relationship_____

NO

2. Within the last 45 days, have you been told to quarantine by a health official or practitioner and, if so, when?

YES, date(s)_____ NO

3. Are you aware if any of your co-workers have tested positive for COVID-19 within the last 45 days? If so, when?

YES, date(s)_____ NO

4. Are you considered as an individual at increased risk for COVID-19?

YES

NO

Appendix III: Post Jury Service Questionnaire For Selected Jurors and Alternates

SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

Thank you for your important service as a juror with the Second Judicial District Court. The Court cares about the safety of our jurors and wants to do everything we can to make jury service a positive experience. We value your opinions and recommendations. We ask that you take a few minutes to complete the following questions.

1. Were you nervous or apprehensive about serving as a juror due to

COVID-19? ☐ Yes ☐ No

Please explain: _____

2. Before coming to the courthouse, were you provided with adequate information regarding steps the court is taking to keep you safe while you are here?

☐ Yes ☐ No

Please explain: _____

3. When you entered the courthouse, did you have safety concerns going through

security? ☐ Yes ☐ No

Please explain: _____

4. Were you provided with adequate safety during your juror check-in and

orientation? ☐ Yes ☐ No

Please explain: _____

5. Please tell us about your experience during jury selection. Were you able to see and hear everything in the courtroom? Did the audiovisual equipment sufficiently work?

☐ Yes ☐ No

Please explain: _____

6. Were you comfortable sitting in the jury box? ☐ Yes ☐ No

Please explain: _____

7. Was the jury deliberation room comfortable and safe? ☐ Yes ☐ No

Please explain: _____

8. Were there any guidelines that you would have hoped to hear the presiding trial judge announce prior to or during the trial?

☐ Yes ☐ No

Please explain: _____

9. Were you nervous or apprehensive **during or after** serving as a juror due to COVID-19? ☐ Yes ☐ No

Please explain: _____

10. What can the court do to improve how it responds to the challenges of coping with COVID- 19?

Thank you for your service,
The Judges of the Second Judicial District Court of the State of Nevada

Appendix IV: Prospective Juror Questionnaire

SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

Thank you for your important service as a prospective juror with the Second Judicial District Court. The Court cares about the safety of our jurors and wants to do everything we can to make jury service a positive experience. We value your opinions and recommendations. We ask that you take a few minutes to complete the following questions.

1. Were you nervous or apprehensive about serving as a prospective juror due to COVID-19?

☐ Yes ☐ No

Please explain: _____

2. Before coming to the courthouse, were you provided with adequate information regarding steps the court is taking to keep you safe while you are here?

☐ Yes ☐ No

Please explain: _____

3. When you entered the courthouse, did you have safety concerns going through security?

☐ Yes ☐ No

Please explain: _____

4. Were you provided with adequate safety during your juror check-in and orientation?

☐ Yes ☐ No

Please explain: _____

5. Please tell us about your experience during jury selection. Were you able to see and hear everything in the courtroom? Did the audiovisual equipment sufficiently work?

☐ Yes ☐ No

Please explain: _____

6. Where were you sitting? ☐ Department 4 ☐ Department 10 ☐ Filing Office

Were you comfortable sitting there? ☐ Yes ☐ No

Please explain: _____

7. Did the pandemic protocols create any difficulty during jury selection?

☐ Yes ☐ No

Please explain: _____

8. Did the prospective jurors follow guidelines to keep each other safe?

☐ Yes ☐ No

Please explain: _____

9. Were there any additional guidelines that you would have hoped to hear the presiding trial judge announce?

☐ Yes ☐ No

Please explain: _____

10. Were you nervous or apprehensive **during or after** serving as a prospective juror due to COVID-19?

☐ Yes ☐ No

Please explain: _____

11. What can the court do to improve how it responds to the challenges of coping with COVID-19?

Thank you for your service,
The Judges of the Second Judicial District Court of the State of Nevada